

GHANA NATIONAL FIRE SERVICE ACT, 1997 (ACT 537)

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**THE FIVE HUNDRED AND THIRTY-SEVENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE GHANA NATIONAL FIRE SERVICE ACT, 1997**

AN ACT to re-establish the National Fire Service; to provide for the management of undesired fires and to make provision for related matters.

DATE OF ASSENT: 29th AUGUST, 1997

BE IT ENACTED BY PARLIAMENT as follows ³/₄

PART I—ESTABLISHMENT OF THE GHANA NATIONAL FIRE SERVICE

Section 1—Establishment of Ghana National Fire Service.

There is established by this Act a Ghana National Fire Service in this Act referred to as “the Service”.

Section 2—Membership of the Service and Scope of Act.

(1) The Service shall consist of—

(a) personnel enlisted in the National Fire Service in existence immediately before the commencement of this Act; and

(b) other persons who may be enlisted in the Service.

(2) The Chief Fire Officer shall assume command of any fire fighting institution in the country during a national emergency or disaster.

Section 3—Objective of Service.

The objective of the Service is to prevent and manage undesired fire.

Section 4—Functions of the Service.

For the purpose of achieving its objective, the Service shall perform the following functions^{3/4}

- (a) organise public fire education programmes to ^{3/4}
- (i) create and sustain awareness of the hazards of fire; and
- (ii) heighten the role of the individual in the prevention of fire;
- (b) provide technical advice for building plans in respect of machinery and structural layouts to facilitate escape from fire, rescue operations and fire management;
- (c) inspect and offer technical advice on fire extinguishers;
- (d) co-ordinate and advise on the training of personnel in fire fighting departments of institutions in the country;
- (e) train and organise fire volunteer squads at community level;
- (f) offer rescue and evacuation services to those trapped by fire or in other emergency situations, and
- (g) undertake any other function incidental to the objective of the Service.

Section 5—Fire Service Council.

(1) The governing body of the Service shall be the National Fire Service Council in this Act referred to as "the Council".

(2) The Council shall consist of^{3/4}

- (a) a Chairman;
- (b) the Chief Fire Officer;
- (c) a representative of the Ministry of Works and Housing not below the rank of Director;
- (d) a representative of the Attorney-General's Department not below the rank of Senior State Attorney;
- (e) a representative of the Minister not below the rank of Director;
- (f) a representative of the Minister responsible for Roads and Transport not below the rank of Director;
- (g) a representative of the Minister responsible for Employment and Social Welfare not below the rank of Director;
- (h) two members of the Service, nominated by the Chief Fire Officer one of whom shall be of a junior rank; and
- (i) two other persons one of whom shall be a woman.

(3) The members of the Council shall be appointed by the President in consultation with the Council of State.

(4) The Minister shall acting in consultation with the Chief Fire Officer designate an officer not below the rank of Assistant Chief Fire Officer as secretary to the Council.

(5) The Secretary to the Council shall arrange the business of the Council, record and keep the minutes of Council meetings and perform such administrative functions as may be determined by the Council.

Section 6—Functions of the Council.

The Council shall^{3/4}

- (a) advise the Minister on the formulation of policies;
- (b) ensure the implementation of the functions of the Service;
- (c) direct the administration of the Service;
- (d) determine the type of equipment to be purchased and specifications of equipment for the Service;
- (e) be responsible for determining recruitment, selection, training and promotion of personnel of the Service; and
- (f) perform any other functions for the purpose of achieving the objective of the Service.

Section 7—Tenure of Office of the Members of the Council.

- (1) The members of the Council other than the ex-officio members shall hold office for four years and shall on the expiration of that term be eligible for re-appointment.
- (2) A member of the Council other than an ex-officio member may resign his office in writing addressed to the President through the Minister.
- (3) Where the office of a member of the Council other than an ex-officio member becomes vacant before the expiration of his term of office either by resignation or any other cause, the Minister shall notify the President of the occurrence of the event and the President shall, acting in consultation with the Council of State, appoint another person in his place to hold office for the unexpired portion of the term of office.
- (4) Where it appears to the President on the recommendation of the Minister that any member of the Council is incapacitated by absence from Ghana or illness or any other sufficient cause from performing the duties of his office, the President shall appoint another person to hold office in his place until such time as the President is satisfied that the incapacity of that person has terminated or until the term of the member expires whichever first occurs.
- (5) A member of the Council other than an ex-officio member who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member.

Section 8—Allowances of Members.

Members of the Council, co-opted members and members of the committees of the Council shall be paid such allowances as shall be determined by the Minister in consultation with the Minister for Finance.

Section 9—Meetings of the Council.

- (1) The Council shall meet for the despatch of business at such times and in such places as the Chairman may determine but shall meet at least once in every three months.
- (2) The Chairman shall upon the request of not less than one-third of the membership convene a special meeting of the Council.

(3) The quorum at a meeting of the Council shall consist of five members and shall include the Chief Fire Officer.

(4) At every meeting of the Council the Chairman shall preside and in his absence a member of the Council elected by the members present and voting from among their number may preside.

(5) Questions before the Council shall be decided by the majority of members present and voting and in the event of equality of votes the Chairman or person presiding shall have a casting vote.

(6) The Council may co-opt any person to attend any of its meetings but no co-opted person is entitled to vote at the meeting.

(7) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(8) Any member of the Council who has an interest in a contract or other transaction proposed to be entered into with the Service shall disclose in writing to the Council the nature of his interest and shall be disqualified from participating in any deliberation of the Council in respect of the contract or other transaction.

(9) A member of the Council who infringes subsection (8) of this section is liable to be removed from the Council.

(10) Except as otherwise provided under this Act, the Council shall determine and regulate the procedure for its meetings.

Section 10—Committees of the Council.

The Council may for the discharge of its functions appoint committees of the Council consisting of members or non-members or both and may assign to the committees such of its functions as it may determine except that a committee composed exclusively of non-members may only advise the Council.

Section 11—Establishment of the Fire Service Technical Advisory Committee.

(1) Without limiting the effect of section 10, there is hereby established a Fire Service Technical Advisory Committee in this Act referred to as "the Technical Committee".

(2) The Technical Committee shall consist of $\frac{3}{4}$

(a) the Chief Fire Officer who shall be the Chairman;

(b) the head of the Armed Forces Fire Service;

(c) the head of the Tema Oil Refinery fire unit;

(d) the head of the VALCO fire unit;

(e) the head of the Civil Aviation fire department;

(f) the head of the Ports and Harbours fire department;

(g) a representative of the Volta River Authority;

(h) a representative of the Ghana Water and Sewerage Corporation;

(i) a representative of the Ghana Chamber of Mines;

- (j) a representative of the Electricity Company of Ghana;
- (k) a representative of the Insurance industry; and
- (1) two other persons appointed by the Council.

Section 12—Functions of the Technical Committee.

The Technical Committee shall subject to such directives as may be given by the Council—

- (a) co-ordinate and ensure a uniform training programme for the Service;
- (b) be responsible for the standardisation of fire fighting equipment for fire fighting units, departments and organisations in the country;
- (c) prepare a national fire safety programme and provide a common fire fighting strategy;
- (d) ensure that fire fighting and fire protection equipment imported into the country or manufactured locally conform to specifications determined by the Council; and
- (e) perform such other functions as may be assigned by the Council.

Section 13—Establishment of Regional Fire Service Committees.

(1) A Regional Fire Service Committee shall be established in each region which shall consist of—

- (a) the Regional Minister or his representative who shall be the Chairman;
- (b) the Regional Fire Officer;
- (c) a representative of the Regional Co-ordinating Council;
- (d) a representative of the Attorney-General's Department not below the rank of State Attorney;
- (e) the regional head of the Ghana Water and Sewerage Corporation or his representative;
- (f) the regional head or a representative of the Electricity Company of Ghana or the Volta River Authority where there is no regional head of the Electricity Company of Ghana in the region; and
- (g) a representative, of the Regional House of Chiefs.

(2) The Regional Co-ordinating Director of the region shall be the Secretary to the Regional Fire Service Committee.

Section 14—Functions of the Regional Fires Service Committee.

A Regional Fire Service Committee shall advise the Council on any matter relating to the functions of the Service in its respective region.

Section 15—District Fire Service Committee.

(1) A District Fire Service Committee shall be established in each district which shall consist of—

- (a) the District Chief Executive or his representative who shall be the Chairman;
- (b) the District Fire Officer;
- (c) a representative of the Ghana Water and Sewerage Corporation;

- (d) a representative of the Electricity Company of Ghana or the Volta River Authority where appropriate;
- (e) a representative of the Traditional Council; and
- (f) two other persons appointed by the District Assembly one of whom shall be a woman.

(2) The District Co-ordinating Director shall be the secretary to the District Fire Service Committee.

Section 16—Functions of a District Fire Service Committee.

A District Fire Service Committee shall $\frac{3}{4}$

- (a) advise the Regional Fire Service Committee on any matter relating to the functions of the Service in its district; and
- (b) determine complaints related to the issue of fire certificates under this Act and regulations made under it.

PART II—ADMINISTRATION OF THE SERVICE

Section 17—Headquarters and Departments of the Service.

- (1) The headquarters of the Service shall be in Accra.
- (2) The Service shall have the departments specified in the Schedule to this Act.
- (3) Notwithstanding subsection (2) of this section the Council may create such other departments in the Service as it considers appropriate.
- (4) The Council shall determine the functions of the department.

Section 18—Chief Fire Officer.

- (1) There shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission a head of the Service who shall be designated the Chief Fire Officer.
- (2) The Chief Fire Officer shall hold office on such terms and conditions as shall be specified in his letter of appointment.
- (3) The Chief Fire Officer shall, subject to the general directions of the Council, be responsible for the efficient organisation and management of the Service and for the direction of its work.
- (4) The Chief Fire Officer may delegate such of his functions as he may determine to any officer of the Service but he shall not be relieved from his ultimate responsibility for the discharge of the delegated function.

Section 19—Appointment of Other Officers and Staff of the Service.

- (1) The Service shall have such other officers and staff as may necessary for the proper and effective performance of its functions.
- (2) The officers and staff of the Service shall perform such functions as the Chief Fire Officer may assign to them.

(3) The President shall in accordance with the advice of the Council given in consultation with the Public Services Commission appoint such officers and staff as the Council may require for the Service.

(4) The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of public officers under this Act.

(5) The Council may engage the services of such consultants and advisers as it may determine upon the recommendation of the Chief Fire Officer.

Section 20—Transfer and Secondment of Staff.

(1) Officers and staff may be transferred or seconded from any public service to the Service.

(2) The Minister shall approve the transfer or secondment to the Service.

PART III—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 21—Funds, Expenses of the Service.

Parliament shall provide the Service with funds for its operational and administrative expenses and the Service may receive monies from other sources approved by the Minister responsible for Finance.

Section 22—Fire Safety Fund.

(1) There is hereby established a Fire Safety Fund in this Act referred to as “the Fund”.

(2) The Fund shall be used to finance fire safety programmes in the country.

(3) The monies for the Fund shall consist of the following $\frac{3}{4}$

(a) such monies as Parliament may direct;

(b) gifts; and

(c) any other monies that may become available to the Service for the fund.

(4) The Fund shall be managed by the Council.

(5) Withdrawals from the Fund shall be subject to the approval of the Minister.

(6) The provisions in sections 23 and 24 on the internal auditor, accounts and audit shall apply to the Fund.

Section 23—Internal Auditor.

(1) There shall be appointed for the Service an internal auditor.

(2) The internal auditor shall carry out an internal audit of the Service every three months and shall submit his report to the Council.

Section 24—Accounts and Audit.

(1) The Council shall keep books of account and proper records in relation to them and the account books and records of the Service shall be in a form approved by the Auditor-General.

(2) The accounts of the Service shall be audited by the Auditor-General within three months after the end of each financial year.

(3) The financial year of the Service shall be the same as the financial year of the government.

(4) The Chief Fire Officer shall prepare budget estimates for each financial year and present the estimates to the Council for its approval not later than two months before the end of the financial year to which the budget relates.

Section 25—Annual Report and Other Reports.

(1) The Council shall as soon as possible after the end of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Service for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Council shall also submit to the Minister such other reports as the Minister may in writing require.

(4) The Minister shall within two months after the receipt of the annual report submit the report in respect of the Service to Parliament with such statement as he may consider necessary.

Section 26—Special Powers.

(1) The Chief Fire Officer or an officer authorised by him may^{3/4}

(a) break and enter into premises with or without the consent of the owner or occupier—

(i) where a fire has or is believed to have broken out; or

(ii) where it is necessary to enter premises to gain access to extinguish or deal with fire; or to save life and property; and

(b) do anything reasonably necessary on any premises to extinguish or deal with a fire.

(2) A member of the Service may for the purpose of dealing with or extinguishing fire, enter any building, marine premises or an aerodrome facility without the consent of the owner or occupier to—

(a) use water or any other facility under the control of a person;

(b) improve access to water or any other facility; or

(c) maintain a hydrant or carry out any other work in connection with the use of a hydrant.

(3) The Chief Fire Officer or an officer authorised by him shall give notice where practicable of his intention to exercise any of his powers under this section.

(4) A member of the Service may arrest a person who starts a fire where the fire causes or is likely to cause damage to property or endanger life.

(5) The owner of any property deployed to fight a fire is entitled to reasonable compensation from the Service for the use of his equipment or medium and for damage caused by that use.

(6) The Chief Fire Officer or an officer authorised by him may at any reasonable time enter and inspect premises to ensure that the provisions of this Act and any regulations made under it are complied with.

Section 27—Pension.

(1) At the commencement of this Act, the provisions of the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8) other than the provisions which relate to the Pensions Ordinance (Cap. 30) shall cease to apply to a member of the Service.

(2) A member of the Service who before the commencement of this Act was required by—

(a) the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8); or

(b) the Social Security Law, 1991 (P.N.D.C.L. 247) to contribute towards his pension or to the Social Security Fund as a member of that Fund, shall cease to make that contribution.

(3) Notwithstanding subsection (2) of this section, any amount paid by or on behalf of a member of the Service under the Fire Service Act, 1963 (Act 219) as contribution towards that member's pension or to the Social Security Fund before the commencement of this Act shall be refunded to him—

(a) when he retires from the Service having reached the retirement age prescribed by law in respect of the Service or;

(b) when he is dismissed or resigns from the Service, upon reaching the age of superannuation as provided for in the Social Security Law, 1991 (P.N.D.C.L. 247) subject to the Constitution.

(4) Any amount payable to a member of the Service under subsection (3) of this section shall be paid to his estate if he dies before the amount is paid to him.

(5) Subject to subsection (1) of this section a member of the Service shall be eligible for pension and the Pension Ordinance (Cap 30) shall apply to him.

(6) A period of duty in the Service in respect of which a member of the Service has contributed to the Social Security Fund under section 1 of the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8) shall be deemed to be pensionable service for the purpose of computing his pension.

Section 28—Regulations.

(1) The Minister on the advice of the Council and in consultation with the Minister responsible for Works and Housing may by legislative instrument make regulations—

(a) requiring premises to have fire fighting facilities; and

(b) on fire protection facilities to be provided by occupiers of premises.

(2) The Minister on the advice of the Council may by legislative instrument make regulations—

(a) on the issue of fire certificates;

(b) on the code of discipline for members of the Service;

(c) on any matter that falls within the scope of the functions of the Service; and

(d) generally for carrying into effect the provisions of this Act.

Section 29—Transfer of Assets and Liabilities.

(1) The assets, rights and properties vested in or held by the Service or any person on behalf of the National Fire Service under the Fire Service Act, 1963 (Act 219) are hereby vested in the Service established under this Act.

(2) The obligations and liabilities subsisting at the commencement of this Act in respect of the National Fire Service under the Fire Service Act, 1963 (Act 219) shall subsist in respect of the Service established under this Act.

Section 30—Interpretation.

In this Act unless the context otherwise requires $\frac{3}{4}$

"Chairman" means the Chairman of the Council;

"Council" means the National Fire Service Council;

"district" means the area of authority of a District Assembly and includes a municipality and metropolis;

"District Assembly" includes Municipal and Metropolitan Assembly;

"fire" means a fire which is undesired or accidental;

"Fund" means the Fire Safety Fund;

"Minister" means the Minister responsible for the Interior;

"Service" means the National Fire Service established in accordance with this Act;

"Technical Committee" means the Technical Advisory Committee established under section 11 of this Act.

Section 31—Effect of other Enactments.

Notwithstanding anything contained in this Act or in regulations made under it $\frac{3}{4}$

(a) the Criminal Code, 1960 (Act 29) or any other enactment which relates to property damage or offences against the person or property; and

(b) the functions of members of the Police Service or District Assemblies in relation to fire shall not be affected by the provisions of this Act.

Section 32—Exemption for Acts Done by Officers.

Subject to the Constitution no officer of the Service shall be found liable for an act done by him in the execution or intended execution of his duty under this Act.

Section 33—Repeal and Savings.

(1) The following enactments are hereby repealed $\frac{3}{4}$

(a) the Fire Service Act, 1963 (Act 219); and

(c) sections 31, 32 and 33 of the Factories, Offices and Shops Act, 1970 (Act 328) which relate to fire safety in a factory, office or shop except that this repeal shall become operative on a date to be specified by legislative instrument under the hand of the Minister.

(2) Notwithstanding the repeal in paragraph (a) of this section $\frac{3}{4}$

(a) any regulation, bye-law or other instrument made under that enactment and in force immediately before the commencement of this Act shall continue in force until amended or revoked under this Act; and

(b) any appointments made under that enactment and in force immediately before the commencement of this Act are hereby saved and shall remain valid as if made under this Act until terminated or otherwise dealt with under this Act.

SCHEDULE

(Section 17 (2))

Departments:

1. Administration
2. Operations
3. Training
4. Logistics

Date of Gazette Notification: 5th September, 1997.